

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DEREK ANDREW, INC.,	)	
	)	Case No. C05-1136-JPD
Plaintiff,	)	
	)	
v.	)	
	)	MINUTE ORDER
POOF APPAREL CORPORATION,	)	
	)	
Defendant.	)	

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The following minute order is made at the direction of the Court, the Honorable James P. Donohue, United States Magistrate Judge:

The present matter comes before the Court on plaintiff's Motions in Limine (Dkt. No. 51), defendant's Combined Motions in Limine (Dkt. No. 52), plaintiff's Motion for Default Judgment (Dkt. No. 62), and plaintiff's Amended Motion for Default Judgment (Dkt. No. 70). Trial by jury having been waived by the parties (Dkt. No. 69), and this case to be presented to the bench commencing December 4, 2006, the Court ORDERS as follows:

(1) Plaintiff's Motions in Limine (Dkt. No. 51) are DENIED without prejudice at this time, subject to plaintiff's renewal of these objections at trial. The Court will rule on any evidentiary objections at such time the evidence in question is proffered at trial.

(2) Defendant's Combined Motions in Limine (Dkt. No. 52) are DENIED without prejudice at this time, subject to defendant's renewal of these objections at trial. To the extent

01 that defendant's motion is directed to the applicability of statutory damages after the date of  
02 copyright registration, the Court will rule on this matter at the close of evidence presented at  
03 trial. To the extent defendant's motions involve evidentiary issues, the Court will rule on any  
04 objections at such time the evidence in question is proffered at trial. Finally, because both  
05 parties have agreed to waive a jury trial in this case, defendant's "Motion to Bar Reference of  
06 this Matter to a Jury" is deemed moot.

07 (3) Plaintiff's Motion for Default Judgment (Dkt. No. 62) and Amended Motion  
08 for Default Judgment (Dkt. No. 70) are DENIED without prejudice. A bench trial in this  
09 matter will commence on December 4, 2006, at 9:00 a.m. in Courtroom 12A. The plaintiff is  
10 free to reassert any argument made in its motion for default judgment at that time.

11 DATED this 27th day of November, 2006.

12 Bruce Rifkin  
13 Clerk of the Court

14 /s/ Becky Harris  
15 Becky Harris  
16 Deputy Clerk  
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